

CHAPTER 1283

**APPROPRIATION TO ATTORNEY GENERAL FOR
ECONOMIC DEVELOPMENT LEGAL ASSISTANCE**

S.F. 2344

AN ACT appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the office of the attorney general, sixty-five thousand (65,000) dollars, or so much thereof as is necessary, for salaries and support of not more than one and five-tenths full-time equivalent positions to provide legal assistance to the department of economic development.

Approved May 17, 1988

CHAPTER 1284

**APPROPRIATIONS AND PROVISIONS RELATING TO EDUCATIONAL,
CULTURAL, AND REHABILITATION PROGRAMS**

S.F. 2312

AN ACT relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

DEPARTMENT OF CULTURAL AFFAIRS

Section 1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the administration division for salaries and support for not more than eight full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 273,190

2. For the arts division for salaries and support for not more than ten full-time equivalent positions, maintenance, and miscellaneous purposes including funds to match federal grants:

..... \$ 493,069

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the arts division shall expend moneys to develop a basic art education curriculum in cooperation with the department of education in order to qualify for receipt of federal matching funds from the national endowment for the arts.

3. For the historical division:

a. For salaries and support for not more than fifty-seven full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,899,128

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph one of the full-time equivalent positions employed by the historical division be assigned marketing duties relating to the historical division and the department of cultural affairs.

b. For equipment, planning and construction costs for exhibits:

..... \$ 600,000

4. For the library division for salaries and support for not more than forty point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,177,842

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the library division shall expend moneys for open access of libraries, for library cooperation grants, and for the operation of the blue ribbon task force on library cooperation and technology established in section 4 of this Act.

5. For the public broadcasting division for salaries and support for not more than one hundred full-time equivalent positions, maintenance, capital expenditures, and miscellaneous purposes:

..... \$ 6,280,706

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the public broadcasting division shall expend moneys for the replacement of the channel 12 transmitter located at West Branch and for narrowcast production facilities. Notwithstanding section 8.33, if a portion of the moneys appropriated in this subsection is not expended or encumbered on June 30, 1989, the amount remaining shall not revert to the general fund of the state but is appropriated for expenditure for the purposes specified in this subsection during the fiscal year beginning July 1, 1989.

6. For the Terrace Hill commission for salaries and support for not more than five point twenty-five full-time equivalent positions, maintenance, and miscellaneous purposes for the operation of Terrace Hill and for conducting tours:

..... \$ 179,284

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Terrace Hill commission shall expend moneys for the replacement or repair of all porches at Terrace Hill.

7. For the regional library system for state aid:

..... \$ 1,458,985

8. To assist the Iowa newspaper association in funding the Iowa tomorrow: 2010 project, a project that will consist of statewide consensus building for Iowa's economic future:

..... \$ 100,000

Sec. 2. It is the intent of the general assembly that as a condition, limitation, and qualification of funds appropriated in section 1, subsection 3, of this Act, the historical division solicit voluntary contributions on behalf of the historical division at entrance locations and other locations throughout the historical building. Voluntary contributions collected in this manner and entrance fees for the Montauk governor's mansion shall be used to pay principal and interest on moneys borrowed from the permanent school fund under section 303.18.

Sec. 3. Notwithstanding sections 302.1 and 302.1A, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of principal and interest due on moneys loaned to the historical division under section 303.18.

Sec. 4. As a condition, limitation, and qualification of funds appropriated in section 1, subsection 4, of this Act, the director of the department of cultural affairs shall appoint a blue ribbon task force on libraries to examine the potential for cooperation among various library and media centers in this state through the utilization of new technology. The members of the blue ribbon task force shall consist of representatives from public libraries, university and college libraries, public and nonpublic elementary and secondary school libraries, area education agency media centers, regional libraries, libraries in area schools, the narrowcast division of the public broadcasting division, and the library division, and members of the general assembly. The administrator of the library division shall serve as chairperson of the task force.

The task force is directed to:

1. Evaluate the new technology available for libraries and the potential for cooperative use of the technology deemed to be useful.
2. Discuss problem areas from the view of the library user in the establishment of cooperative programs.
3. Develop a comprehensive long-range plan for library cooperation that will provide for a sharing of resources and use of new technology. The plan shall include free and equal access to library resources to citizens of the state and a plan for funding the services and purchase and operation of the new technology.

The task force shall hold meetings as deemed necessary and shall submit the plan to the governor and to the general assembly not later than December 1, 1988.

Sec. 5. The public broadcasting division of the department of cultural affairs may use the state of Iowa facilities improvement corporation to purchase energy efficiency packages for its ultrahigh frequency transmitters without meeting the requirements of section 19.34.

Sec. 6. Notwithstanding 1986 Iowa Acts, chapter 1246, section 102 and section 103, as amended by 1987 Iowa Acts, chapter 228, section 7, moneys appropriated in those sections that remain unobligated and unencumbered on June 30, 1988, shall not revert to the general fund on June 30, 1988, but shall remain available for expenditure for the purposes specified until June 30, 1989.

Sec. 7. Section 99E.32, subsection 3, paragraph c, Code Supplement 1987, is amended to read as follows:

c. To For the fiscal years beginning July 1, 1986, and July 1, 1987, to the department of cultural affairs, and for the fiscal years beginning July 1, 1988, and July 1, 1989, to the arts division of the department of cultural affairs, for the purposes designated in section 99E.31, subsection 3, paragraph "d". For the fiscal year beginning July 1, 1987, the amount appropriated is six hundred seventy-five thousand dollars.

Sec. 8. Section 303.9, subsection 1, Code 1987, is amended to read as follows:

1. All funds received by the department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, ~~except entrance fees for the Montauk governor's mansion~~, shall be credited to the account of the department and are appropriated to the department to be invested or used for programs and purposes under the authority of

*Item veto; see message at end of the Act

the department. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the department under this section.

DIVISION II
COLLEGE AID COMMISSION

Sec. 9. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

COLLEGE AID COMMISSION

For salaries and support for not more than five point thirty-two full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 279,251

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this section, the college aid commission shall expend moneys for the occupational therapist loan repayment program established in section 261.46.

Sec. 10. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of seven hundred fifteen thousand (715,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for the fiscal year beginning July 1, 1988, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

Sec. 11. There is appropriated from the guaranteed student loan reserve fund to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the guaranteed student loan program:

1. OPERATING COSTS

For operating costs, including salaries and support for not more than twenty-six point eighty full-time equivalent positions:

..... \$ 2,202,606

2. LOAN CONSOLIDATION SERVICES

For loan consolidation services:

..... \$ 200,000

Sec. 12. As a condition, limitation, and qualification of the appropriation made in section 261.25, subsection 1 for the fiscal year beginning July 1, 1988, the institutions of higher education that enroll recipients of Iowa tuition grants shall transmit to the Iowa college aid commission information about the numbers of minority students enrolled and minority faculty members employed at the institution, and existing or proposed plans for the recruitment and retention of minority students and faculty as well as existing or proposed plans to serve non-traditional students. The Iowa college aid commission shall compile and report the enrollment and employment information and plans to the chairpersons and ranking members of the house and senate education committees, and chairpersons and ranking members of the joint education appropriations subcommittee and the governor by February 1, 1989.

Sec. 13. Notwithstanding the appropriation provided in section 261.25, subsection 3, there is appropriated from the general fund of the state to the college aid commission for the fiscal

year beginning July 1, 1988, and ending June 30, 1989, the sum of six hundred forty-four thousand two hundred ninety-four (644,294) dollars for vocational-technical tuition grants.

Sec. 14. Notwithstanding the appropriation provided in section 261.45, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of eighty-four thousand six hundred ninety-nine (84,699) dollars for reimbursement payments for the guaranteed loan payment program.

Sec. 15. Notwithstanding section 261.53, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, funds shall not be appropriated from the general fund of the state and loans shall not be made under sections 261.51 and 261.52.

Sec. 16. The legislative fiscal bureau shall study options for providing guaranteed student loan services to eligible borrowers and make recommendations to the education appropriations subcommittee chairpersons and ranking members not later than November 1, 1988.

Sec. 17. The college aid commission shall review during the fiscal year beginning July 1, 1988, the impact of the rule adopted by the commission that extends the deadline for applications for the Iowa tuition grant program and shall continue to pursue administrative methods that will promote access to the tuition grant program for those individuals seeking to receive an education in this state from an independent college or university. The college aid commission shall consider making a recommendation to the general assembly that increases the maximum amount of a tuition grant for those individuals who are expected to have a substantial debt burden upon graduation. The commission shall submit a report that outlines its conclusions to the general assembly by December 1, 1988.

Sec. 18. Section 99E.31, subsection 4, paragraph b, Code Supplement 1987, is amended to read as follows:

b. To the Iowa college aid commission for the summer institute program established pursuant to this paragraph the sum of one million dollars. Institutions of higher education in the state may submit proposals to the council for postsecondary education for ~~eight-week~~ summer institute programs to upgrade the skills of Iowa teachers in the ~~subject areas of math, science, foreign languages and such other areas as the department of public instruction has indicated a teaching shortage exists.~~ A summer institute program shall consist of an intensive immersion of at least eight weeks' duration in the subject area of the program except that a summer institute program that assists teachers to use technology in the classroom may have a duration of three weeks. In determining programs to be funded, preference shall be given to programs that will allow teachers to gain endorsements in other subject areas, or to add to their endorsements in mathematics, science, foreign languages, and other areas that the department of education has determined are areas in which a shortage of teachers currently exists or is predicted to occur.

PARAGRAPH DIVIDED. The proposals shall provide for the institutional reimbursement for the costs of instruction, materials, and room and board for the participants as well as for a weekly stipend of one hundred fifty dollars per week for each participant. The council for postsecondary education shall select the institutions at which the summer institutes shall be conducted based upon recommendations of the department of education. The council for postsecondary education in consultation with the Iowa college aid commission shall establish the criteria for the selection of the teachers to participate in the programs.

Sec. 19. Section 99E.32, subsection 4, paragraph c, Code Supplement 1987, is amended to read as follows:

c. To the Iowa college aid commission for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "b". For the fiscal year years beginning July 1, 1987,

and July 1, 1988, no amount is appropriated. However, the funds transferred under paragraph "a" are available for use under this paragraph for the fiscal year years beginning July 1, 1987, and July 1, 1988.

Sec. 20. Section 261.2, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 10. Prepare and administer the occupational therapists loan program under this chapter.

Sec. 21. Section 261.2, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 11. Review reports filed by accredited private institutions under section 261.9, subsection 5, to determine compliance.

Sec. 22. Section 261.9, subsection 4, Code Supplement 1987, is amended to read as follows:
4. "Qualified student" means a ~~full-time~~ resident student who has established financial need and who is making satisfactory progress toward graduation.

Sec. 23. Section 261.9, subsection 5, Code Supplement 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Which promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution. In carrying out this responsibility the institution shall do all of the following:

- (1) Designate a position as the affirmative action coordinator.
- (2) Adopt affirmative action standards.
- (3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.
- (4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.
- (5) Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.
- (6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.
- (7) Address equal opportunity and affirmative action training needs by:
 - (a) Providing appropriate training for managers and supervisors.
 - (b) Insuring that training is available for all staff members whose duties relate to personnel administration.
 - (c) Investigating means for training in the area of career development.
- (8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.
- (9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.
- (10) File annual reports with the college aid commission of activities under this paragraph.

Sec. 24. Section 261.9, subsection 7, Code Supplement 1987, is amended to read as follows:

7. "~~Half-time~~ **Part-time** resident student" means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least ~~six~~ three semester hours or the trimester or quarter equivalent of ~~six~~ three semester hours. "Course of study" does not include correspondence courses.

Sec. 25. Section 261.10, Code 1987, is amended to read as follows:
261.10 WHO QUALIFIED.

A tuition grant may be awarded to ~~any~~ a resident of Iowa who is admitted and in attendance as a full-time or ~~half-time~~ part-time resident student at ~~any~~ an accredited private institution and who establishes financial need.

Sec. 26. Section 261.11, Code 1987, is amended to read as follows:
261.11 EXTENT OF GRANT.

A qualified full-time resident student may receive tuition grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified ~~half-time~~ part-time resident student may receive tuition grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

Sec. 27. Section 261.12, subsection 2, Code 1987, is amended to read as follows:

2. The amount of a tuition grant to a qualified ~~half-time~~ part-time student enrolled in a course of study including at least six semester hours for the fall and spring semesters, or the trimester or quarter equivalent, shall be one-half the amount which would be paid for a qualified full-time student under the provisions of subsection 1.

The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than six semester hours for the fall and spring semesters, or trimester or quarter equivalent, shall be one-fourth the amount which would be paid for a qualified full-time student under subsection 1.

Sec. 28. Section 261.25, subsection 1, Code Supplement 1987, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~twenty-four~~ twenty-eight million ~~three~~ eight hundred ~~nineteen~~ thousand ~~eighty-four~~ ninety-four thousand seven hundred sixty-five dollars for tuition grants.

Sec. 29. Section 261.37, subsection 8, Code Supplement 1987, is amended to read as follows:

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and borrowers. The commission shall provide applicants, as deemed necessary by the commission, with information about the past default ~~rate~~ rates of borrowers, enrollment, and placement statistics by postsecondary ~~institutions~~ institution.

Sec. 30. NEW SECTION. 261.46 OCCUPATIONAL THERAPIST LOAN PAYMENTS.

An occupational therapist loan payment program is established to be administered by the commission.

An occupational therapist is eligible for reimbursement payments under this section if the individual:

1. Has entered into a payment agreement with the commission on or after July 1, 1988.
2. Is a licensed occupational therapist under chapter 148B.
3. Is an Iowa resident employed in Iowa as an occupational therapist as certified by the board of physical and occupational therapy examiners.
4. Has an outstanding debt with an eligible lender under the Iowa guaranteed student loan program, or has parents with an outstanding debt with an eligible lender under the Iowa PLUS loan program, for the third and fourth years of an occupational therapist program.

The commission shall adopt rules under chapter 17A to provide for the administration of the program. The maximum annual reimbursement to an eligible occupational therapist for loan payments made during a year for loans qualifying under subsection 4 shall be equal to four thousand dollars or the remainder of a loan, whichever is less. Total payments for an eligible occupational therapist are limited to a two-year period and shall not exceed a total of eight thousand dollars.

If an occupational therapist fails to complete a year of employment as provided in subsection 3, the individual shall not be reimbursed for payments made during that year.

Sec. 31. Section 261.81, Code 1987, is amended to read as follows:

261.81 WORK-STUDY PROGRAM.

The Iowa college work-study program is established to stimulate and promote the part-time employment of students attending Iowa postsecondary educational institutions who are in need of employment earnings in order to pursue postsecondary education. The program shall be administered by the commission. The commission shall adopt rules under chapter 17A to carry out the program. The employment under the program shall be employment by the postsecondary education institution itself or work in a public agency or private nonprofit organization under a contract between the institution and the agency or organization. An eligible postsecondary institution that is allocated twenty thousand dollars or more for the work-study program by the commission shall allocate at least ten percent of the funds received for student employment in a public agency or private nonprofit organization that is accredited, approved, licensed, registered, certified, or operated by the department of human services or the department of corrections. However, if by October 1, for the first semester of an academic year, or by March 1, for the second semester of an academic year, contracts have not been signed, the funds may be used for employment by the postsecondary institution itself. The work shall not result in the displacement of employed workers or impair existing contracts for services.

Sec. 32. Section 261.85, Code Supplement 1987, is amended to read as follows:

261.85 APPROPRIATION.

There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million ~~one~~ six hundred fifty thousand dollars for the work-study program.

From moneys appropriated in this section, one million ~~one~~ five hundred ~~thirty~~ thirty thousand dollars shall be allocated to institutions of higher education under the state board of regents and merged area schools and the remaining ~~one million~~ dollars appropriated in this section shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work study funds that relates to the current need of institutions.

DIVISION III
DEPARTMENT OF EDUCATION

Sec. 33. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1. GENERAL ADMINISTRATION

For salaries and support for not more than one hundred twenty-one full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 5,371,825

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department shall expend moneys for the development of model human growth and development curricula for grades kindergarten through twelve and for the identification and dissemination of information about early intervention programs for students who are at the greatest risk of suffering from the problems of dropping out of school, substance abuse, adolescent pregnancy, or suicide.

As a condition, limitation, and qualification of the appropriation made in this section, the department shall cooperate with the college aid commission and survey a representative sample of individuals graduating from high school during the school year beginning July 1, 1987. The purpose of this study is to determine why high school graduates are choosing not to pursue further education or technical training and identify the unmet needs for postsecondary education. For comparison purposes, high school graduates who do continue their education may

be examined. In addition, this study will lay the groundwork for the development of a tracking mechanism to evaluate the effectiveness of each school district's preparation of its students for obtaining a college education or technical training. The survey shall elicit information about the sex of the student, race of the student, educational background of parents or guardians, location of residence, family income, reasons for not enrolling, and other relevant information. The college aid commission and the department of education shall compile the information received from the survey and other relevant sources and report the results to the general assembly by November 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to contract with institutions of higher education to provide a summer residence program for gifted and talented elementary and secondary school students and to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education and methodology and substance, and mock trial competitions for junior and senior high school students. The law-related education program shall include the legislative lawmaking process. Educational materials for this segment of the program shall be developed by the law-related education centers in consultation with the legislative council.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to provide funds for the lift up program administered by the fifth judicial district department of correctional services to assist clients to obtain high school equivalency diplomas. The department of education shall assist the fifth judicial district department of correctional services in the development of an analysis of the effectiveness of the program. The department of correctional services shall submit a report analyzing the effectiveness of the program to the chairpersons and ranking members of the education appropriations subcommittee and to the legislative fiscal bureau not later than February 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys for funding pilot projects of school corporations to encourage the advancement of women and minorities to administrative positions within that school corporation. Each school corporation receiving moneys for a pilot project under this section shall submit a written report to the department analyzing the results of the project not later than October 1, 1989.

2. SPECIAL PROGRAMS AND PROJECTS.

For enhancing the preparation, teaching experiences, and induction of educators, and for assisting teachers to use technologies in the classroom:

..... \$ 750,000

The department shall expend the moneys appropriated in this subsection for the following programs:

- a. To develop, in cooperation with approved teacher education programs, model training and incentive programs for cooperating teachers, including studying the feasibility of establishing a cooperating teacher approval.
- b. To develop criteria for enhancing the clinical experiences of prospective teachers and for grants for pilot projects that designate certain schools as clinical schools.
- c. For grants for pilot projects that enhance the interaction between the faculty of approved teacher education institutions and teachers in school districts that accept student teachers from that institution.
- d. For developing an evaluation system to be used by evaluator panels that are evaluating teachers after the initial certification and before advancement to the next certification level.

e. For developing, in cooperation with approved teacher education institutions, model systems for evaluating student teachers and for self-evaluation systems for student teachers and teachers.

f. To provide funds to be used in conjunction with the University of Northern Iowa to develop a networking system that translates effective teaching methods through the use of a computer conferencing system to form information exchange networks.

g. For grants for pilot projects for approved teacher education institutions to develop instructional programs that will instruct teachers in the use of electronic technologies. The pilot projects may include a demonstration project that involves classroom teachers and student teachers in the use of instructional technologies.

h. To conduct a feasibility study of the establishment of five-year teacher education programs. School districts and institutions receiving moneys under this subsection shall file a report with the department upon completion of the pilot project.

Notwithstanding the maximum number of full-time equivalent employees authorized in subsection 1, the department may employ a full-time equivalent individual to assist the department employees in fulfilling the requirements of this subsection.

Notwithstanding section 8.33, moneys appropriated in this subsection shall not revert to the general fund of the state but shall remain available for expenditure for the purposes specified until June 30, 1990.

3. VOCATIONAL EDUCATION ADMINISTRATION

For salaries and support for not more than forty-four full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 844,671

4. VOCATIONAL EDUCATION AID

For vocational education aid to secondary schools:

..... \$ 3,666,360

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools.

5. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out section 258.14:

..... \$ 9,000

6. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations, including salaries and support for not more than sixteen full-time equivalent positions:

..... \$ 3,146,215

7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section 301.1. Such funding is limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils:

..... \$ 348,413

8. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the commission to carry out chapter 272A, including salaries and support for not more than one point forty-six full-time equivalent positions:

..... \$ 66,454

9. IOWA ACADEMY OF SCIENCE

For support and maintenance:

..... \$ 50,000

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Iowa academy of science annually submit a report of its activities, including a report of its expenditures, income from all sources, and current asset and liability base, for each fiscal year beginning with the fiscal year commencing July 1, 1987, to the legislative fiscal bureau not later than September 15 of the following fiscal year.

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students attending approved nonpublic schools for special instruction:

..... \$ 150,000

11. VOCATIONAL REHABILITATION DIVISION

a. For salaries and support for not more than three hundred eight point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 2,732,253

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently including salaries and support for not more than one point five full-time equivalent positions:

..... \$ 17,715

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 and for vocational education programs in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and for salary increases, the amount of fifty-seven million two hundred ninety-five thousand eight hundred twenty-seven (57,295,827) dollars to be allocated as follows:

- (1) Merged Area I \$ 2,654,050
- (2) Merged Area II \$ 3,294,267
- (3) Merged Area III \$ 3,058,380
- (4) Merged Area IV \$ 1,493,218
- (5) Merged Area V \$ 3,460,235
- (6) Merged Area VI \$ 3,465,025
- (7) Merged Area VII \$ 4,573,775
- (8) Merged Area IX \$ 4,739,009
- (9) Merged Area X \$ 7,529,839
- (10) Merged Area XI \$ 7,392,910
- (11) Merged Area XII \$ 3,392,923
- (12) Merged Area XIII \$ 3,584,746
- (13) Merged Area XIV \$ 1,489,940
- (14) Merged Area XV \$ 4,432,771
- (15) Merged Area XVI \$ 2,734,739

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph, the merged area schools shall expend from moneys appropriated in this paragraph a minimum of three million five hundred thousand (3,500,000) dollars for additional salary increases for certificated nonadministrative faculty members of the merged area schools. A faculty member employed in both an administrative and a nonadministrative position shall be considered a part-time nonadministrative faculty member for the portion of time in the nonadministrative position. Distribution of the moneys for salary increases shall be negotiated pursuant to chapter 20 if the certificated nonadministrative faculty members of the area school are organized for collective bargaining purposes.

b. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:

..... \$ 411,772

The moneys distributed under this paragraph shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

13. MERGED AREA SCHOOL PERSONAL PROPERTY TAX REPLACEMENT

For general financial aid to merged areas in lieu of personal property replacement payments under section 427A.13, the amount of eight hundred twenty-eight thousand twelve (828,012) dollars to be allocated as follows:

a. Merged Area I	\$ 65,152
b. Merged Area II	\$ 50,567
c. Merged Area III	\$ 33,891
d. Merged Area IV	\$ 23,204
e. Merged Area V	\$ 60,042
f. Merged Area VI	\$ 34,514
g. Merged Area VII	\$ 57,884
h. Merged Area IX	\$ 69,103
i. Merged Area X	\$ 97,180
j. Merged Area XI	\$ 142,463
k. Merged Area XII	\$ 46,200
l. Merged Area XIII	\$ 40,972
m. Merged Area XIV	\$ 20,826
n. Merged Area XV	\$ 55,026
o. Merged Area XVI	\$ 30,988

Sec. 34. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts:

1. For state financial aid to merged areas the amount of twenty-three million fifty-five thousand three hundred fifty-six (23,055,356) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area school as follows:

a. Merged Area I	\$ 1,069,231
b. Merged Area II	\$ 1,327,820
c. Merged Area III	\$ 1,245,067
d. Merged Area IV	\$ 611,651
e. Merged Area V	\$ 1,388,438
f. Merged Area VI	\$ 1,388,244
g. Merged Area VII	\$ 1,843,493
h. Merged Area IX	\$ 1,896,400
i. Merged Area X	\$ 3,035,941
j. Merged Area XI	\$ 2,935,708
k. Merged Area XII	\$ 1,379,340
l. Merged Area XIII	\$ 1,431,518
m. Merged Area XIV	\$ 606,620
n. Merged Area XV	\$ 1,799,477
o. Merged Area XVI	\$ 1,096,408

2. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:

..... \$ 176,474

The moneys distributed under this subsection shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

3. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 35. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending June 30, 1990, for general financial aid to merged areas in lieu of property tax replacement payments under section 427A.13, the amount of three hundred fifty-four thousand eight hundred sixty (354,860) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area as follows:

1. Merged Area I	\$	27,922
2. Merged Area II	\$	21,671
3. Merged Area III	\$	14,525
4. Merged Area IV	\$	9,924
5. Merged Area V	\$	25,732
6. Merged Area VI	\$	14,792
7. Merged Area VII	\$	24,807
8. Merged Area IX	\$	29,615
9. Merged Area X	\$	41,649
10. Merged Area XI	\$	61,056
11. Merged Area XII	\$	19,800
12. Merged Area XIII	\$	17,559
13. Merged Area XIV	\$	8,925
14. Merged Area XV	\$	23,582
15. Merged Area XVI	\$	13,281

Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 36. Moneys allocated to area schools under section 33, subsections 12 and 13, of this Act, for expenditures incurred during the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The payments received by area schools on or about August 15 under sections 34 and 35 of this Act are accounts receivable for the previous fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

Sec. 37. The education appropriations subcommittee shall review the method of calculating the total contact hours for an area school for purposes of chapter 286A so that the calculation can be consistent with the method of calculating enrollment for school districts under the revision of chapter 442 and shall report the results of this study to the general assembly meeting in 1990.

Sec. 38. The department of education may solicit gifts and grants to be used to finance the costs of conducting a study of the literacy of Iowa's young adults.

If sufficient moneys are received for the study, the department of education shall award the contract to an independent testing corporation located in this state. The specifications for the study shall be substantially similar to the specifications for the national assessment of educational progress study of the literacy of young adults in the United States conducted by the educational testing service.

Sec. 39. Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of ninety-two million seven thousand nine hundred eighty-five (92,007,985) dollars for the educational excellence program.

Sec. 40. For the fiscal year beginning July 1, 1988, and ending June 30, 1989, section 280.4, subsection 4, is void and weighted enrollment calculated under section 442.4, subsection 6, does not include application of the non-English speaking weighting plan in section 280.4.

Sec. 41.

1. The state board of education may approve the request of an area vocational school to be reclassified as an area community college, but shall not allow the school to create an associate of arts program leading to the associate of arts degree until the requirements of this section have been met. An area vocational school reclassified as an area community college may contract with an accredited private institution, as defined in section 261.9, subsection 5, that is located within the merged area, for the area community college students to enroll in courses leading to an associate of arts degree.

2. An area community college for which the state board of education approved the creation of an arts and sciences division after February 1, 1988, and prior to the effective date of this Act, shall not implement curricular changes until the requirements of this section have been met.

This subsection does not apply if the area community college has substantially detrimentally relied on the approval by the state board of education.

3. The following studies shall be conducted and written reports of the results of the studies transmitted to the state board, the task force created in section 65 of this Act, and the general assembly by February 1, 1989:

a. The legislative fiscal bureau and the department of management shall jointly conduct fiscal impact studies relating to the effect on the state budget of the creation of the associate of arts degree program under subsection 1 and of the creation of a separate arts and sciences division under subsection 2 at the area community college.

b. The department of education shall conduct educational impact studies which shall include, but not be limited to, the effect of the creation of the associate of arts degree program under subsection 1, and the effect of the creation of the separate division under subsection 2, on enrollment at other postsecondary institutions located in the merged area, student access to educational opportunity, and also the number of students within the school's service area in need of the expanded services.

4. The written reports of each study shall be considered by the general assembly, the task force created in section 65 of this Act, and the state board. The state board shall not make decisions under subsection 1 or 2 before July 1, 1989.

Sec. 42. Section 19B.11, subsections 1 and 2, Code 1987, are amended to read as follows:

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and merged area school employment to all persons. An individual shall not be denied equal access to school district, ~~or area education agency, or merged area school~~ employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in school district, area education agency, and merged area school employment systems where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

2. The director of the department of education shall actively promote fair employment practices for all school district, area education agency, and merged area school employees and the state board of education shall inform adopt rules requiring specific steps by school districts,

area education agencies, and merged area schools ~~concerning their efforts to accomplish this goal~~ the goals of equal employment opportunity and affirmative action in the recruitment, appointment, assignment, and advancement of personnel. Each school district, area education agency, and merged area school shall be required to develop affirmative action standards which are based on the population of the community in which it functions, the student population served, or the persons who can be reasonably recruited. The director of education shall consult with the department of personnel in the performance of duties under this section.

Sec. 43. Section 256.30, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for certificated instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for ~~the that school year beginning July 1, 1987 as that salary schedule existed on May 1, 1987,~~ but the salary for a certificated instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met.

Sec. 44. NEW SECTION. 263.8A NATIONAL CENTER.

The state board of regents shall establish and maintain at Iowa City as an integral part of the state University of Iowa the national center for talented and gifted education. The national center shall provide programs to assist classroom teachers to teach gifted and talented students in regular classrooms.

A national center endowment fund is established at the state University of Iowa and gifts and grants to the national center shall be deposited in the fund and interest earned on moneys in the fund may be expended by the state University of Iowa for the purposes for which the national center was established.

Sec. 45. Notwithstanding 1986 Iowa Acts, chapter 1246, section 105, subsection 1, paragraph "c", the moneys appropriated to the department of education and allocated for the development of a mental retardation model curriculum shall not revert to the general fund of the state on June 30, 1988, but shall remain available for expenditure for the purpose specified until June 30, 1989.

Sec. 46. Section 279.19B, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track not including cross-country, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate with a coaching endorsement issued pursuant to chapter 260.

Sec. 47. Section 280A.23, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14. In its discretion, adopt rules relating to the classification of students enrolled in the area school who are residents of Iowa's sister states as residents or non-residents for tuition and fee purposes.

Sec. 48. Section 282.31, subsection 1, paragraph b, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district on the third Friday of September of that school year is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of revenue and finance to the school district by October 1 in the same manner as the claims are paid under paragraph "a".

Sec. 49. Section 294A.14, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any summer school program, for which the teacher's salary is paid or supplemented under a supplemental pay plan, shall be open to nonpublic school students in the manner provided in section 256.12.

Sec. 50. Section 294A.25, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Commencing with the fiscal year beginning July 1, 1988, the amount of one hundred thousand dollars to be paid to the department of education for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this subsection shall be used for the purposes specified in section 256.30.

Sec. 51. Section 302.1A, Code Supplement 1987, as amended by Senate File 2036, 1988 Iowa Acts, is amended to read as follows:

302.1A TRANSFER OF INTEREST.

1. The department of revenue and finance shall transfer the interest earned on the permanent school fund to the first in the nation in education foundation and to the national center for gifted and talented education in the manner provided in this section.

2. Prior For a transfer of interest earned to the first in the nation in education foundation, prior to July 1, October 1, January 1, and March 1 of each year, the governing board of the first in the nation in education foundation established in section 257A.2 shall certify to the director of revenue and finance the cumulative total value of contributions received under section 257A.7 for deposit in the fund and for the use of the foundation. The cumulative total value of contributions received includes the value of the amount deposited in the national center endowment fund established in section 263.8A in excess of seven hundred fifty thousand dollars. The value of in-kind contributions shall be based upon the fair market value of the contribution determined for income tax purposes.

PARAGRAPH DIVIDED. The portion of the permanent school fund that is equal to the cumulative total value of contributions, less the portion of the permanent school fund dedicated to the national center for gifted and talented education, is dedicated to the first in the nation in education foundation for that year. The interest from earned on this dedicated amount shall be transferred by the department of revenue and finance to the credit of the first in the nation in education foundation.

3. For a transfer of interest earned to the national center endowment fund established in section 263.8A, prior to July 1, October 1, January 1, and March 1 of each year, the state University of Iowa shall certify to the department of revenue and finance the cumulative total value

of contributions received and deposited in the national center endowment fund. The department of revenue and finance shall dedicate the interest earned on a portion of the permanent school fund to the national center in the manner provided in this subsection. The portion of the permanent school fund that is used to determine the dedicated amount of interest earned for a year shall equal one-half the cumulative total value of the contributions deposited in the national center endowment fund, not to exceed seven hundred fifty thousand dollars. The department of revenue and finance shall transmit the interest earned on the dedicated amount to the state University of Iowa for the use of the national center for gifted and talented education.

4. The remaining portion of the interest earned on the permanent school fund shall become a part of the permanent school fund.

DIVISION IV
STATE BOARD OF REGENTS

Sec. 52. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, for use for the following designated purposes:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries and support for not more than nineteen point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the establishment of a consortium consisting of representatives of Iowa State University, the University of Iowa, and the University of Northern Iowa as equal participants to establish and use a process for the exchange and integration of knowledge among the universities in the fields including but not limited to food production, food processing, food preservation, nutrition, medicine, pharmacy, chemical-free water, clean air, and environmental safety. The consortium shall also establish a means for the integration of knowledge across disciplines in each of the universities. In the establishment of the process for integration and exchange of knowledge for these purposes, the consortium shall also develop a process for disseminating this knowledge to the public for personal and business use by Iowans:

..... \$ 516,272

b. For allocation by the state board of regents to the state University of Iowa, the Iowa State University of science and technology, and the University of Northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 17,003,669

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

(1) For salaries and support for not more than four thousand three hundred twenty-five point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 138,376,377

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this subparagraph, from moneys available to the state University of Iowa, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this subparagraph, the University of Iowa shall expend moneys for salaries and support for the labor center.

(2) Agriculture health and safety service pilot programs, including salaries and support for not more than one point twenty-eight full-time equivalent positions:

..... \$ 59,940

(3) For acquisition of library materials:

..... \$ 341,250

b. University hospitals

(1) For salaries and support for not more than five thousand five point thirty-eight full-time equivalent positions, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255:

..... \$ 25,899,603

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program, including salaries and support for not more than one hundred seventy-six point eighty-four full-time equivalent positions:

..... \$ 1,511,061

(3) For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high risk infant follow-up program, including salaries and support for not more than thirteen point fifty-eight full-time equivalent positions:

..... \$ 337,256

c. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), the county quotas for indigent patients for the fiscal year commencing July 1, 1988, shall not be lower than the county quotas for the fiscal year commencing July 1, 1987. Before a patient is eligible for the indigent patient program, the county general relief director shall first ascertain from the local office of human services if the applicant would qualify for medical assistance or the medically needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical assistance and shall not be counted under chapter 255.

d. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be allocated to the university hospitals until the superintendent has filed with the department of management and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include the information required in section 255.24 for patients by the type of service provided.

e. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

f. As a condition of the appropriation made in paragraph "b", subparagraph (1), university hospitals shall compile and transmit to the general assembly the following information for the fiscal year beginning July 1, 1987:

(1) Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.

(2) Expenditures by program and revenue source.

(3) Net revenue over spending from hospital operations, including the method used to calculate the results.

The legislative fiscal bureau shall develop forms for collecting the information required in this subparagraph.

g. Psychiatric hospital

For salaries and support for not more than two hundred eighty-seven point twenty-six full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients:

..... \$ 6,014,532

h. State hygienic laboratory

For salaries and support for not more than one hundred fourteen point thirty-five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 2,507,968

i. Hospital-school

For salaries and support for not more than one hundred eighty-five point seventy-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 4,542,607

j. Oakdale campus

For salaries and support for not more than eighty-two full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 2,498,481

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries and support for not more than three thousand seven hundred seventy-five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 116,234,916

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this paragraph, Iowa State University shall expend two million (2,000,000) dollars for the construction of livestock units for cattle and swine research and one million (1,000,000) dollars for the purchase of agronomy building equipment.

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to Iowa State University, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

b. Agricultural experiment station

For salaries and support for not more than four hundred thirteen point five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 13,556,178

c. Cooperative extension service in agriculture and home economics

For salaries and support for not more than four hundred ninety-six point ninety-eight full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 13,317,224

d. For continuation of the rural concern hotline, including salaries and support for not more than four point five full-time equivalent positions:

..... \$ 90,000

e. Fire service education, including salaries and support for not more than eleven full-time equivalent positions:

..... \$ 389,456

f. For acquisition of library materials:

..... \$ 234,400

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries and support for not more than one thousand three hundred twenty-four full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 45,136,113

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this subsection, from moneys available to the University of Northern Iowa, two hundred fifty thousand (250,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants and four hundred sixty thousand (460,000) dollars shall constitute an equity adjustment to maintain and support the university's academic programs.

It is a condition, limitation, and qualification of the appropriation made in this subsection that moneys appropriated in this subsection not be expended for the power plant addition at the University of Northern Iowa.

b. For acquisition of library materials:

..... \$ 60,850

5. STATE SCHOOL FOR THE DEAF

For salaries and support for not more than one hundred thirty-five point three full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 4,957,177

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries and support for not more than ninety-five point thirty-three full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 2,742,752

7. The provisions of section 8.33, unnumbered paragraph 2, shall not apply to the funds appropriated in this section. No later than September 15, 1989, the state board of regents shall submit to the department of management a list of all obligations which have been incurred for goods and services that have not been received or rendered as of that date.

Sec. 53.

1. From funds in the state treasury not otherwise appropriated that are in excess of a fiscal year ending balance of sixty-one million seven hundred thousand (61,700,000) dollars, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1987, and ending June 30, 1988, an amount not exceeding eleven million one hundred thousand (11,100,000) dollars to be allocated to the University of Northern Iowa for construction of a power plant addition. Notwithstanding section 262.28, the moneys appropriated in this section shall not be committed by the state board of regents or paid, either in full or in part, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full and to pay all or a portion of the appropriation made in this section.

2. From funds in the state treasury not otherwise appropriated, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount equal to the difference between the amount of the appropriation approved by the governor under subsection 1 for the purpose specified in subsection 1 and eleven million one hundred thousand (11,100,000) dollars. The payment of the appropriation made in this subsection is subject to the same restrictions as the appropriation made in subsection 1.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated by subsection 1 for the fiscal year beginning July 1, 1987, and ending June 30, 1988, remaining on June 30, 1988, and unobligated or unencumbered funds appropriated by subsection 2 for the fiscal year beginning July 1, 1988, and ending June 30, 1989, remaining on June 30, 1989, shall not revert to the general fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 54.

1. From funds in the state treasury not otherwise appropriated that are in excess of an ending balance for the fiscal year beginning July 1, 1987, of sixty-one million seven hundred thousand (61,700,000) dollars, after the conditions of section 53 have been met and eleven million one hundred thousand (11,100,000) dollars have been appropriated to the state board of regents, there is appropriated for the fiscal year beginning July 1, 1988, and ending June 30, 1989, in the following priority order to the following named agencies the specified amounts to be used for the purposes designated:

a. To the state board of regents to be allocated to its institutions of higher education for fire and environmental safety deficiency corrections, the sum of one million (1,000,000) dollars.

b. To the department of corrections to be used for community-based corrections, the sum of six hundred thousand five hundred sixty-three (600,563) dollars to be allocated as follows:

(1) For the first judicial district department of correctional services, the sum of ninety-three thousand five hundred fifty-nine (93,559) dollars or so much thereof as is necessary.

(2) For the second judicial district department of correctional services, the sum of seventy-six thousand one hundred ninety-two (76,192) dollars or so much thereof as is necessary.

(3) For the third judicial district department of correctional services, the sum of forty-four thousand three hundred twenty-five (44,325) dollars or so much thereof as is necessary.

(4) For the fourth judicial district department of correctional services, the sum of forty-one thousand four hundred seventy (41,470) dollars or so much thereof as is necessary.

(5) For the fifth judicial district department of correctional services, the sum of one hundred twenty-nine thousand six hundred ninety-seven (129,697) dollars or so much thereof as is necessary.

(6) For the sixth judicial district department of correctional services, the sum of ninety-four thousand eight hundred eighty-seven (94,887) dollars or so much thereof as is necessary.

(7) For the seventh judicial district department of correctional services, the sum of seventy-nine thousand eight hundred seventy-one (79,871) dollars or so much thereof as is necessary.

(8) For the eighth judicial district department of correctional services, the sum of thirty-seven thousand eight hundred seventy (37,870) dollars or so much thereof as is necessary.

(9) To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of two thousand six hundred ninety-two (2,692) dollars or so much thereof as is necessary.

c. To the department of corrections to be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

d. To the department of corrections, the sum of one million three hundred thousand (1,300,000) dollars to be retained by the department of revenue and finance and not paid to the department of corrections until the general assembly enacts legislation that provides for the specific expenditure of the moneys.

e. To the department of general services for capitol restoration, the sum of one million five hundred thousand (1,500,000) dollars.

2. The moneys appropriated in subsection 1 shall not be committed by the agency to which they are appropriated or paid, either in full or in part by the department of revenue and finance, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full, including the moneys appropriated in section 53 of this Act, and are sufficient to pay the appropriation in the applicable paragraph.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in subsection 1, paragraphs "a", "c", "d", and "e", for the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall not revert to the general fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 55. If the general fund ending balance for the fiscal year beginning July 1, 1987, is not sufficient under section 54 and the governor does not certify to the department of revenue and finance that the appropriation in section 54, subsection 1, paragraphs "b" and "c", be made, and notwithstanding any other provisions of law, the treasurer of state before making allotments of the moneys within the Iowa plan fund pursuant to section 99E.32, subsection 1, for the fiscal year beginning July 1, 1988, shall transfer to the department of corrections the sum of one million two hundred eighty-four (1,000,284) dollars, and the moneys are appropriated for the following purposes:

1. To be used for community-based corrections, the sum of three hundred thousand two hundred eighty-four (300,284) dollars, to be allocated as follows:

a. For the first judicial district department of correctional services, the sum of forty-six thousand seven hundred eighty (46,780) dollars or so much thereof as is necessary.

b. For the second judicial district department of correctional services, the sum of thirty-eight thousand ninety-six (38,096) dollars or so much thereof as is necessary.

c. For the third judicial district department of correctional services, the sum of twenty-two thousand one hundred sixty-three (22,163) dollars or so much thereof as is necessary.

d. For the fourth judicial district department of correctional services, the sum of twenty thousand seven hundred thirty-five (20,735) dollars or so much thereof as is necessary.

e. For the fifth judicial district department of correctional services, the sum of sixty-four thousand eight hundred forty-nine (64,849) dollars or so much thereof as is necessary.

f. For the sixth judicial district department of correctional services, the sum of forty-seven thousand four hundred forty-four (47,444) dollars or so much thereof as is necessary.

g. For the seventh judicial district department of correctional services, the sum of thirty-nine thousand nine hundred thirty-six (39,936) dollars or so much thereof as is necessary.

h. For the eighth judicial district department of correctional services, the sum of eighteen thousand nine hundred thirty-five (18,935) dollars or so much thereof as is necessary.

i. To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of one thousand three hundred forty-six (1,346) dollars or so much thereof as is necessary.

2. To be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

Sec. 56. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in 1987 Iowa Acts, chapter 233, section 408, subsection 1, paragraph "b", shall not revert to the general fund of the state on June 30, 1988, but shall be available for expenditure for the purposes listed in section 52, subsection 1, paragraph "b", of this Act during the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Sec. 57. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, if the interest earned on moneys accumulated by campus organizations at an institution is not available for expenditure by those respective campus organizations, the institution shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the institution's student government or to the student financial aid office to be used for the work-study program.

Sec. 58. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, sales by an institution of computer equipment, computer software, and computer supplies to students and faculty at the institution are retail sales for the purpose of chapter 422, Division IV.

Sec. 59. It is the intent of the general assembly that the office of the state board of regents shall study the child care needs of faculty members, other staff members, and students at each institution of higher education under its control. The state board of regents shall survey each institution for potential locations for child care centers, explore the possibility of receiving federal funding for operation of the child care centers, and examine the feasibility of adopting a sliding fee scale based upon income of the parent or guardian. As a part of this study, the office of the state board of regents shall solicit input from the state association composed of students from the three institutions.

The state board of regents shall present to the general assembly no later than November 30, 1988, a comprehensive proposal for meeting the child care needs at each institution. This proposal shall include recommendations for using students enrolled at the institutions for meeting the child care needs with payment through the state work-study program.

Sec. 60. The department of human services shall increase the disproportionate share reimbursement rate under the medical assistance program provided by Title XIX of the federal Social Security Act to four percent for hospitals for which at least twenty percent of the business is with medically indigent persons.

Sec. 61. For the fiscal years beginning July 1, 1988, and July 1, 1989, the state board of regents shall use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 62. Notwithstanding House File 2444,* section 1, if House File 2444 is enacted by the Seventy-second General Assembly, the auditor of state shall monitor the costs of performing examinations of the state board of regents and shall seek reimbursement under section 11.5A.

****Sec. 63.** *Section 154.3, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:*

*The board shall adopt rules requiring an additional twenty hours per biennium of continuing education in the treatment and management of ocular disease for all therapeutically certified optometrists. The department of ophthalmology of the school of medicine of the State University of Iowa shall be one of the providers of this continuing education.***

Sec. 64. Section 262.9, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Establish a hall of fame for distinguished graduates at the Iowa braille and sight-saving school and at the Iowa school for the deaf.

Sec. 65. **POSTSECONDARY EDUCATION TASK FORCE.** There is established a citizens postsecondary education task force to study and make recommendations regarding the goals, and the legislation necessary to meet the goals, of the state's postsecondary education system in the future. The study shall include, but not be limited to, the following:

1. Ways to preserve equal educational opportunity and equal access to a quality education for the students of Iowa.
2. An analysis of present and future needs of Iowans for postsecondary education.
3. Coordination and articulation of curriculum with the elementary and secondary school systems.
4. An inventory of the distribution and any duplication of the educational programs and services available in the state's board of regents institutions, merged area schools, private colleges and universities, and technical schools, and the college aid commission.
5. Demographic projections of enrollment trends, including trends among the various kinds of postsecondary education offerings available.
6. A comprehensive fiscal analysis of the state's postsecondary education financing effort, including historic financing trends, per pupil trends, and projections of the state's capacity to finance its postsecondary education system in the future.
7. The tuition being charged at the state universities, including a determination of how student tuition should be calculated, what share of the cost of education should be borne by students, and what share of the cost should be borne by the state.
8. A twenty-year postsecondary education plan that recommends methods and the structure necessary to match the recommended goals with the state resources necessary to fund them, accompanied by a recommended chronology and coordination within the postsecondary education system itself and within the elementary and secondary education systems.

The members of the citizens committee shall be appointed by the speaker and the minority leader of the house of representatives and by the majority and minority leaders of the senate. There shall be seven citizen members whose composition shall be bipartisan, which shall include citizens with an interest or experience in higher education or in research at the graduate level, a student from a postsecondary institution, members of the general public, and from which a chair shall be appointed. Four legislators, one from each political party in the house and one from each political party in the senate, shall be appointed by the joint leaders of the house and senate. The committee may work with one or more education consultants familiar with projected national trends in undergraduate, graduate, and research area goals and needs for the year 2000 and beyond. The task force shall be appointed by no later than

*Chapter 1274 herein

**Item veto; see message at end of the Act

June 1, 1988, and shall report to the legislative council by December 15, 1988, how it will be organized and conduct its research in order to report its recommendations to the general assembly by no later than July 1, 1990. If the legislative council approves of the task force organizational plan, it may authorize the task force to employ an executive director beginning February 1, 1989, until completion of the report in July 1990, and may authorize the expenditure of moneys from section 2.12 to fund the cost of the task force. The task force may request and receive research assistance from the education commission of the states. The task force may accept gifts and donations, and may contract with a foundation for additional funds. The legislative council may authorize the payment of per diem and expenses for the citizen members of the task force.

Staff assistance to the task force shall be provided by the legislative service bureau, the legislative fiscal bureau, and the caucus staffs, who shall work under the direction of the chair of the task force and the executive director if an executive director is employed.

Sec. 66. NEW SECTION. 182.24 BOARD MEMBER DISCLOSURE.

Notwithstanding section 182.13, a member of the board may receive compensation, including a salary, from an organization or agency, including an educational institution, receiving funds from the board. If a member of the board has a pecuniary interest, either direct or indirect, in a matter considered by the board, the interest shall be disclosed by the member to the board and included in the minutes for that meeting of the board. The member having the pecuniary interest shall not participate in an action taken by the board on the matter.

***Sec. 67. NEW SECTION. 269.3 CLASSROOM TEACHERS.**

*For purposes of chapter 20, classroom teachers employed by the Iowa braille and sight-saving school may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.**

***Sec. 68. NEW SECTION. 270.11 CLASSROOM TEACHERS.**

*For purposes of chapter 20, classroom teachers employed by the school for the deaf may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.**

***Sec. 69. Section 262.44, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:**

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state University of Iowa, the Iowa State University of science and technology, and the University of Northern Iowa, as the board determines are suitable for the acquisition or construction of the following self-liquidating and revenue producing buildings and facilities: Student unions, recreational buildings, auditoriums, stadiums, field houses, athletic buildings and areas, parking structures and areas, research equipment if the debt incurred in its acquisition will be retired by federal, private, or other lawfully available nonappropriated funds, and additions to or alterations of existing buildings or structures.

Except as provided for self-liquidating dormitories and buildings and facilities specifically listed in this subsection, the state board of regents, or any bonding authority established by them, shall not issue any notes, bonds, or other evidence of indebtedness under this division for construction of other buildings or facilities without prior approval by the general assembly and the governor in the manner provided in section 262A.4 for bonds issued under that chapter.*

*Item veto; see message at end of the Act

DIVISION V
AREA EDUCATION AGENCIES

Sec. 70. Section 442.4, subsection 1, unnumbered paragraph 6, Code Supplement 1987, is amended to read as follows:

A school district shall certify its basic enrollment to the department of education by October 1 of each year, and the department shall promptly forward the information to the department of management. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the third Friday of September in the budget year by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition, a school district shall determine its additional enrollment because of special education, as defined in this section 442.38, on December 1 of each year and if the district is entitled to an advance for special education, it shall certify its additional enrollment because of special education to the department of education by December 15 of each year, and the department shall promptly forward the information to the department of management.

For the purposes of this chapter, "additional enrollment because of special education" is determined by multiplying the weighting of each category of child under section 281.9 times the number of children in each category totaled for all categories minus the actual enrollment.

Sec. 71. Section 442.4, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

Commencing with the school year beginning July 1, ~~1981~~ 1988, and each school year thereafter, the weighted enrollment shall be determined on the basis of a count of a district's additional enrollment because of special education, as defined in ~~section 442.38~~ subsection 1, on December 1 of the base year.

Sec. 72. Section 442.4, subsection 6, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Weighted enrollment calculated under this subsection shall be used when weighted enrollment is prescribed by law. It shall not be used in calculations pertaining to special education support services costs.

Sec. 73. Section 442.4, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For the school year beginning July 1, 1988, and each subsequent school year, weighted enrollment for special education support services costs is the sum of the budget enrollment and the additional enrollment because of special education defined in subsection 1.

Sec. 74. Section 442.7, subsection 7, paragraphs g and h, Code Supplement 1987, are amended to read as follows:

g. For the school year beginning July 1, ~~1981~~ 1988, and succeeding school years, the amount included in the special education support services district cost per pupil in weighted enrollment for special education support services costs for each district in an area education agency for a budget year is the amount included in the special education support services district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to special education support services state cost per pupil for special education support services costs for the budget year, except as provided in paragraph "h". Funds shall be paid to area education agencies as provided in section 442.25.

h. For the school year beginning July 1, ~~1986~~ 1988, and succeeding school years, the director of the department of education may direct the department of management to increase or reduce the allowable growth ~~added to~~ included in special education support services district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area. However, an increase in the allowable growth can only be granted by action of the director of the department of education to restore a previous reduction or portion of a reduction in allowable growth for that year or the previous year.

Sec. 75. Section 442.7, subsection 8, Code Supplement 1987, is amended to read as follows:

8. For the school year beginning July 1, ~~1981~~ 1988, and succeeding school years, the allowable growth added to special education support services state cost per pupil ~~for special education support services costs~~ is the amount included in the special education support services state cost per pupil ~~for special education support services costs~~ for the base year times the state percent of growth for the budget year. ~~However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 9.~~

Sec. 76. Section 442.8, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As used in this chapter, "state cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning July 1, 1987, is two thousand seven hundred six dollars. Of that amount, two thousand five hundred ninety dollars is regular program state cost per pupil and one hundred sixteen dollars and two cents is special education support services state cost per pupil. The state cost per pupil for the school year beginning on July 1, ~~1973~~ 1988, and for each succeeding school year is the sum of the base year's regular program state cost per pupil plus the allowable growth for the budget year and the base year's special education support services state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the budget year's state cost per pupil shall be is the same as the base year's state cost per pupil.

Sec. 77. Section 442.9, subsection 1, Code 1987, is amended to read as follows:

1. The department of management shall determine the additional school district property tax levy for each school district, which is in addition to the foundation property tax levy, as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The regular program district cost per pupil for the budget year is equal to the regular program district cost per pupil for the base year plus the allowable growth. However, regular program district cost per pupil does not include additional allowable growth added for programs for gifted and talented children, for programs for returning dropouts, and for educational improvement projects under chapter 260A, for special education support services costs, or for school districts that have a negative balance of funds raised for special education instruction programs under section 442.13, subsection 14, paragraph "b", and does not include additional allowable growth established by the school budget review committee for a single school year only.

As used in this chapter, the special education support services district cost per pupil for the budget year is the special education support services district cost per pupil for the base year plus allowable growth as provided in section 442.7, subsection 7.

District cost per pupil is the sum of the regular program district cost per pupil and the special education support services district cost per pupil.

b. The district cost for the budget year is equal to the sum of the regular program district cost per pupil for the budget year multiplied by the weighted enrollment, plus the special education support services district cost per pupil multiplied by the weighted enrollment for special education support services costs, plus commencing with the budget year beginning July 1, 1985 additional district cost added for moneys received by a school district under section 302.3, Code 1981, as provided in section 442.21, and plus the additional district cost allocated to the district under section 442.27 to fund media services and educational services provided through the area education agency. A school district may shall not increase its district cost for the budget year except to the extent that an excess tax levy is authorized by the school budget review committee as provided in section 442.13.

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product total of the products of the state or district foundation base for regular program and times the weighted enrollment plus the state or district foundation base for special education support services costs times the weighted enrollment for special education support services costs.

Sec. 78. Section 442.26, unnumbered paragraph 2, Code 1987, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year and state aids paid to school districts under section 442.38 shall be paid in monthly installments beginning on February 15 and ending on June 15 of a budget year.

Sec. 79. Section 442.28, unnumbered paragraph 1, Code 1987, is amended to read as follows:

If a district's actual enrollment for the budget year, determined under section 442.4, is higher than its budget enrollment for the budget year, the district is entitled to an advance from the state of an amount equal to its regular program district cost per pupil less the amount per pupil for special education support services, computed as a part of district cost under the provisions of section 442.7 for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. However, if a district's actual enrollment for the budget year is more than fifteen percent higher than its basic enrollment for the budget year, the advance shall be calculated using seventy-five percent of the difference between the district's actual enrollment for the budget year and its basic enrollment for the budget year. The advance shall be is miscellaneous income.

Sec. 80. Section 442.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

For the school year beginning July 1, 1981 and succeeding school years, boards of school districts, individually or jointly with the boards of other school districts, requesting to use additional allowable growth for gifted and talented children programs, may annually submit program plans for gifted and talented children programs and budget costs, including requests for additional allowable growth for funding the programs, to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter. A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented if the district is requesting to use additional allowable growth to finance the program.

Sec. 81. Section 442.35, Code 1987, is amended to read as follows:

442.35 FUNDING.

The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in allowable growth as defined in section 442.7. The approved budget for a gifted and talented children program shall not exceed an amount equal to one and two-tenths percent of the district cost per pupil of the district multiplied by the budget enrollment of the district. Annually, the department of management shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

Sec. 82. Section 442.38, Code 1987, is repealed.

Sec. 83. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 84. Moneys appropriated in this Act, except for section 1, subsections 3, 5, and 6; sections 5 and 6; section 52, subsection 3, paragraph "a"; and sections 53 and 54, shall not be used for capital improvements.

Sec. 85. Sections 40 and 70 through 82 of this Act apply to computations required under chapter 442 for the budget year beginning July 1, 1988.

Sec. 86. Sections 6, 18, 19, 40, 41, 45, 48, 53, 56, 65, and 70 through 82 of this Act, being deemed of immediate importance, take effect upon their enactment.

Approved May 17, 1988, except the items which I hereby disapprove and which are designated as section 5; section 61; section 63; sections 67 and 68; and section 69 which are herein bracketed in ink and initialed by me. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 2312, an Act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date.

Senate File 2312 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 5 in its entirety.

This item in Senate File 2312 provides the Public Broadcasting Division of the Department of Cultural Affairs with the authority to use the financing of the State of Iowa Facilities Improvement Corporation (SIFC) to purchase portions of needed ultrahigh frequency transmitter packages. Moreover, the legislation exempted IPTV from the requirement that these packages meet the six-year energy payback requirement that is applied to financing. It is anticipated that the total cost of replacing these transmitters at IPTV is approximately \$860,000.

I am concerned about legislation which authorizes additional bonding or lease/purchases by SIFC. The principal and interest on this financing must be paid out of the operating budgets of the individual entities. In this case, it would, in effect, require a diversion of operating funds from the IPTV budget for debt service.

In addition, I am concerned about the exemption from the six-year energy payback requirement that is included in this item. Energy conservation projects with longer than six-year paybacks are generally deemed to be poor investments. Issuing bonds for that purpose is especially unwise financial strategy.

I am cognizant of the need by IPTV to replace some of their transmitters which are well past their useful lives. However, I would prefer direct appropriations to fund the purchase of these replacement transmitters. I have approved provisions in the oil overcharge bill which potentially will provide direct general fund appropriations for the purchase of these transmitters. If the intent of that appropriation is not realized, the General Assembly may need to consider a direct appropriation to replace the transmitters in future years.

I am unable to approve the item designated as Section 61 in its entirety.

This provision in Senate File 2312 requires the Board of Regents to issue bonds to finance energy conservation projects with a payback of an average of six years. Certainly, energy conservation should be an important priority of the capital program of the State Board of Regents and the Regents have allocated funds for that purpose in the past.

However, I object to requiring the State Board of Regents to issue debt financing for this purpose. Debt financing limits our financial flexibility in future years as we struggle to pay back the principal and interest on the debt. Moreover, debt financing runs the risk of tying up the operating budgets of the Regent institutions.

I am in support of and have signed legislation to require the Board of Regents to carefully review energy conservation projects which can be undertaken with reasonable payback periods. However, I cannot approve legislation which stipulates that the only method of financing those projects be bonding. Instead, the Board of Regents institutions have attempted to finance as many energy conservation projects as possible from the building repairs portion of their operating budgets. Extraordinary needs for energy conservation funds can be requested for consideration by the Governor and the General Assembly through the normal appropriation process and pay-as-you-go basis.

I am unable to approve the item designated as Section 63 in its entirety.

This section of Senate File 2312 strikes the statutory provision which requires that the Department of Ophthalmology of the School of Medicine at the State University of Iowa to provide continuing education for therapeutically certified optometrists.

In effect, this provision reopens an issue that the last General Assembly resolved by allowing optometrists to offer therapeutic services.

In order to be therapeutically certified, optometrists must meet strict education and certification requirements. Legislation passed last session by the General Assembly required the Department of Ophthalmology at the University of Iowa Hospitals and Clinics to provide some of this continuing education.

I believe that the legislation was correct last year in requiring that optometrists receive some of their continuing education at the Department of Ophthalmology at the University of Iowa. The state of Iowa does not have an optometry school and therefore it is somewhat difficult for optometrists to receive appropriate continuing education in the state of Iowa. Optometrists who do provide therapeutic services can benefit greatly from the instruction and expertise which is available at the Department of Ophthalmology. Moreover, I believe that continuing delivery of quality eye care in Iowa requires the Department of Ophthalmology to be involved in the continuing education of therapeutically certified optometrists. In order to ensure that will occur, I am item vetoing this section of Senate File 2312.

Section 65 of Senate File 2312 provides legislative authorization for the postsecondary education task force. I am not item vetoing this from the bill since I respect the prerogative of the General Assembly to conduct studies that are deemed appropriate.

However, I have some serious concerns about the structure of the study which is included in Section 65. This study does not include representation from the executive branch of state government. Such representation is critical to a complete, effective, and realistic plan for postsecondary higher education for the future. I am strongly in support of efforts to develop strategic plans for the greater coordination and focusing of our higher education resources in the state. As a result, I am working closely with the presidents and chief executive officers of each of the three major education governance boards in the state. We are planning a joint meeting of those boards to develop a process for strategic planning and coordination. I would hope that the General Assembly would work closely with the executive branch group to jointly develop plans for the future of higher education in Iowa.

I am unable to approve the items designated as Sections 67 and 68 in their entirety.

These items in Senate File 2312 provide for the accretion of the classroom teachers at the Iowa Braille and Sight Saving School and the Iowa School for the Deaf to the faculty bargaining unit at the University of Northern Iowa or another approved classroom teacher bargaining unit established under Chapter 20.

Under current law, the Public Employment Relations Board has the responsibility to establish units for collective bargaining purposes. That provision in Chapter 20 has worked quite well and the legislature should not, by statute, tinker with it. I believe that the statutory responsibilities of Public Employment Relations Board should be respected and therefore I cannot approve of this accretion language.

I am unable to approve the item designated as Section 69 in its entirety.

This provision in Senate File 2312 specifically restricts the self-liquidating financing authority for utilities, telecommunications, sewers and research equipment at the Regents institutions. The Board of Regents has used this authority over the years to meet critical needs of the Regent institutions at the lowest financing possible cost. Moreover, this self-liquidating method of financing has no impact on the state's general fund and is financed by the university's ability to generate revenues to make the payments. In addition, the Board of Regents has prudently used this mechanism to help finance important economic development projects including research equipment and the human resources biology facility at the University of Iowa. Therefore, I believe the Regents should retain this ability to obtain low cost financing to meet emergency and other important academic and economic needs for the state at no cost to our general fund.

As a matter of course, the Board of Regents has consulted with my office and the legislature prior to making use of this financing mechanism. I have been assured that such prior consultation will continue to occur.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2312 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1285**PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO
GOVERNOR AND LIEUTENANT GOVERNOR***S.J.R. 1*

A JOINT RESOLUTION proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof: